

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

<b>NATIONAL LABOR RELATIONS BOARD,</b>	:	
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>Case No.3:16-mc-00002-GCM-DSC</b>
	:	<b>(No. 15-72162-2015-9th Cir.)</b>
	:	
<b>SYNERGY ONE LOCATING, LLC and SAFE</b>	:	
<b>MARKX, LLC,</b>	:	
	:	
<b>Respondents,</b>	:	
	:	
<b>DERVON GASKINS,</b>	:	
	:	
<b>Additional Respondent,</b>	:	
	:	
<b>and</b>	:	
	:	
<b>COMCAST CORP., BB&amp;T CORP., WELLS</b>	:	
<b>FARGO BANK, N.A. and HORNETS</b>	:	
<b>BASKETBALL, LLC,</b>	:	
	:	
<b>Garnishees.</b>	:	
	:	

**UNOPPOSED MOTION FOR ORDER TERMINATING GARNISHMENTS,  
DISCHARGING AND VACATING PRIOR ORDERS**

1. On January 5, 2016, this court registered a Judgment that was entered in the United States Court of Appeals for the Ninth Circuit on August 8, 2015 in favor of the National Labor Relations Board ("Board") and against Synergy One Locating, LLC and SafemarkX, LLC, ("Respondents") in the amount of \$46,359, plus interest.

2. The Court has issued Writs of Garnishment directed to Garnishees Comcast Corp., BB&T Corp., Wells Fargo Bank, N.A., and Hornets Basketball, LLC

against property of Respondents and Additional Respondent Dervon Gaskins, Sr., in attempt to collect amounts owed pursuant to the judgment.

3. Pursuant to the Federal Debt Collection Procedures Act, 28 U.S.C. § 3205(10)(c), garnishments are terminated by satisfaction of the debt with respect to which the writ is issued.

4. On November 17, 2016, the Court granted the Board's Application for a pre-judgment Protective Restraining Order (PRO) against Gaskins [ECF No. 23] that, among other things, prevented Gaskins from dissipating assets that could be used to satisfy the judgment.

5. Paragraph XIV of the PRO provides that it may be vacated upon satisfaction of Gaskins' financial obligations to the Board.

6. In the course of post-Judgment discovery, this Court issued two Orders, the first dated March 13, 2017 [ECF No. 27] and assessing \$2,855.20 in sanctions, and the second dated June 23, 2017 [ECF No. 31] and assessing \$7,007.62 in sanctions, against Respondents and Gaskins, for their failure to comply with their obligations to respond to the Board's discovery requests pursuant to the Federal Rules of Civil Procedure.

7. In order to avoid further litigation, Synergy One, SafeMarkX and Gaskins, jointly agreed to settle all claims with respect to actual or potential liability by making payments to the Board under the terms of a promissory note and security agreement.

8. The parties further stipulated and agreed that upon satisfaction of the note, the Board would move for an order terminating the Protective Restraining Order entered by the Court in this matter against Gaskins [ECF No. 23], as well as any writs of garnishment in this action, and discharging the Court's March 13 and June 23, 2017,

Orders assessing costs and attorney's fees against Respondent Gaskins [ECF Nos. 27 and 31] for his failure to comply with discovery.

9. On October 9, 2019, the Board filed a Satisfaction of Judgment with this Court noting that the amounts owed have been paid in full.

10. Since all amounts due and owing pursuant to the Judgment and the stipulation of the parties have been paid, it is appropriate for this court to issue an order terminating the writs, vacating the PRO and discharging that sanctions orders against Respondents.

**WHEREFORE**, the Court respectfully requests that this Court issue an Order:

1. Vacating the Protective Restraining Order entered by the Court in this matter against Gaskins [ECF No. 23];
2. Terminating writs of garnishment in this action directed to Comcast Corp., BB&T Corp., Wells Fargo Bank, N.A., and Hornets Basketball, LLC against property of Respondents and Additional Respondent Gaskins;
3. Vacating and discharging the Court's March 13 and June 23, 2017, Orders assessing costs and attorney's fees against Respondent Gaskins [ECF Nos. 27 and 31] for his failure to comply with discovery.

NATIONAL LABOR RELATIONS BOARD

/s David P. Boehm  
DAVID P. BOEHM  
*Trial Attorney*

HELENE D. LERNER  
*Supervisory Attorney*

Contempt, Compliance and  
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Dated this 9th day of October 2019.

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 9, 2019, I caused a true copy of the foregoing  
**UNOPPOSED MOTION FOR ORDER TERMINATING GARNISHMENTS AND  
DISCHARGING PRIOR ORDERS** to be sent by email to Steven G. Schwartz, counsel  
for Respondents, by email to sgs@theschwartzlawgroup.com, and by delivery service to  
6751 N. Federal Highway, Suite 400, Boca Raton, Florida 33487.

/s David P. Boehm  
DAVID P. BOEHM  
*Trial Attorney*  
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National Labor Relations Board